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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Eric Evans; et al.,)	
)	
Plaintiffs,)	CV 11-00102 TUC CKJ (JM)
)	
v.)	
)	REPORT AND RECOMMENDATION
Juan A. Buelna, et al.,)	
)	
)	
Defendants.)	
)	

Plaintiffs filed their Complaint on February 14, 2011. By order dated June 24, 2011, the Court extended the deadline to serve the Defendants to August 14, 2011 (Doc. 7). As of October 13, 2011, service had not been completed and the Magistrate Judge issued an Order to Plaintiffs to show cause by November 8, 2011, as to why a report and recommendation should not issue recommending this matter be dismissed pursuant to Rule 4(m), Fed.R.Civ.P. Plaintiffs did not respond to the Order to Show Cause and, as of the date of this report and recommendation, the docket reflects that service has not been made.

Accordingly,

Based on the foregoing, the Magistrate Judge **RECOMMENDS** that the District Court, after its independent review, dismiss this action pursuant to Rule 4(m).

This Recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the District Court's judgment.

However, the parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the District Court. *See* 28 U.S.C. § 636(b)(1) and Rules 72(b), 6(a) and 6(e) of the Federal Rules of Civil Procedure. Thereafter, the parties have fourteen (14) days within which to file a response to

1 the objections. If any objections are filed, this action should be designated case number: **CV**
2 **11-0102-TUC-CKJ**. Failure to timely file objections to any factual or legal determination
3 of the Magistrate Judge may be considered a waiver of a party's right to *de novo*
4 consideration of the issues. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
5 Cir.2003) (*en banc*).

6 DATED this 9th day of November, 2011.

7 
8 _____
9 Jacqueline Marshall
United States Magistrate Judge